

Planning & Zoning Commission
Regular Meeting
October 20, 2014
6:00 p.m.
St. Mary Parish Courthouse Fifth Floor
Franklin, Louisiana

The Planning & Zoning Commission met on this date with Chairman Paul Gil presiding, and the following members present: Barry Druilhet, Deborah Tabor, Danny Lipari and Kimberly Cossey Saucier. Absent were James Bennett, Jr. and Jimmy Wiley. Also in attendance was St. Mary Parish Councilman David Hanagriff.

Mr. Druilhet led the Invocation.

Mr. Lipari led the Pledge of Allegiance.

Mr. Druilhet moved that the reading of the minutes of the Regular Meeting, September 15, 2014 be dispensed with and that the same be approved. Mrs. Saucier seconded the motioned, which carried.

Mrs. Luke stated that the Planning & Zoning Department received notice that the property owners for Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Grizzaffi Capital Holdings LLC in an Existing Neighborhood (EN) Zoned District located at 401 Arlington St., Bayou Vista, LA are requesting to postpone this request to the next regular scheduled meeting, November 17, 2014.

Chairman Paul Gil read the request for Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Grizzaffi Capital Holdings LLC in an Existing Neighborhood (EN) Zoned District located at 401 Arlington St., Bayou Vista, LA; Sec. 12 & 13 T16S R12E.
- 30114301027.00-.86 ac tract por of 5.00 ac Tract "BCDE" per Plat 11D 107188 Acq. 430 271167,
- 3014301029.00- Lot por BD Westside Investment Inc-S Spitale-Arlington St-Grizzaffi situated in Sec. 13 T16S R12E Acq. 430 271167 &
- 3014301030.00-Lot por BD Westside Investment Inc-S Spitale-Arlington St-Grizzaffi situated in Sec. 12 T16S R12E Acq. 430 271167.

Due to the request by the property owner to postpone the subdivision request until the next meeting, Mrs. Tabor made a motion to postpone the request until the next meeting for Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Grizzaffi Capital Holdings LLC in an Existing Neighborhood (EN) Zoned District located at 401 Arlington St., Bayou Vista, LA; Sec. 12 & 13 T16S R12E.
- 30114301027.00-.86 ac tract por of 5.00 ac Tract "BCDE" per Plat 11D 107188 Acq. 430 271167,
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- 3014301030.00-Lot por BD Westside Investment Inc-S Spitale-Arlington St-Grizzaffi situated in Sec. 12 T16S R12E Acq. 430 271167. Mrs. Saucier seconded the motion which carried with the following 4-0-0-2 Roll Call Vote:

Yeas: Barry Druilhet, Deborah Tabor, Danny Lipari and Kimberly Cossey
Saucier

Nays: None

Abstained: None

Absent: James Bennett, Jr. and Jimmy Wiley

Chairman Paul Gil read the request for Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Eldridge Louviere, Ronald Louviere & Farrell Louviere to be acquired by Superior Construction & Equipment, LLC in an Agricultural (AG) Zoned District located at 256 Gibby Rd. & 348 Gibby Rd., Jeanerette, LA. Sec. 68 T13S R8E.

- 1755004023.00-35.425 Ac being Tract A per Plat 36F 242362 BD SPRR R/W L Veazey-A D Meyer Et Als- M A Patout & Son Acq. 36F 242362 and

- 1755004024.00-23.616 Ac Tract b per Plat 36D 241982 BD Tract A - L Veazey-M A Patout & Son M A Patout Acq. 229 309981.

Mr. John Stephanski, attorney for Superior Construction & Equipment, appeared before the board to state that the request is to subdivide the proposed property for agricultural purposes.

Mr. Cody Fortier, Superior Construction & Equipment, appeared before the board to state that Superior recently purchased 20 acres of property with the option to purchase the remainder to use for agricultural purchases.

Mr. Druilhet questioned whether all requirements were met.

Mrs. Luke stated that all requirements have been met.

Mr. Druilhet questioned future plans.

Mr. Fortier stated that there are no future plans for the property.

Mrs. Luke questioned who is placing bagasse on the property.

Mr. Fortier stated that Superior Construction & Equipment is placing bagasse on the property.

Mr. Fortier stated that were unaware of the subdivision process when they purchased the property.

Mr. Druilhet made a motion to approve the request for Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Eldridge Louviere, Ronald Louviere & Farrell Louviere to be acquired by Superior Construction & Equipment, LLC in an Agricultural (AG) Zoned District located at 256 Gibby Rd. & 348 Gibby Rd., Jeanerette, LA. Sec. 68 T13S R8E.

- 1755004023.00-35.425 Ac being Tract A per Plat 36F 242362 BD SPRR R/W L Veazey-A D Meyer Et Als- M A Patout & Son Acq. 36F 242362 and

- 1755004024.00-23.616 Ac Tract b per Plat 36D 241982 BD Tract A - L Veazey-M A Patout & Son M A Patout Acq. 229 309981. Mrs. Saucier seconded the motion which carried with the following 4-0-0-2 Roll Call Vote:

Yeas: Barry Druilhet, Deborah Tabor, Danny Lipari and Kimberly Cossey
Saucier

Nays: None

Abstained: None

Absent: James Bennett, Jr. and Jimmy Wiley

Chairman Paul Gil read the request for Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Sam Siracusa to be acquired by National Oilweld in a Heavy Industrial (HI) Zoned District located at 1408 Siracusa Rd., Siracusa, LA. Sec. 8 T16S R13E. -3374321011.00-4.99 ac por Tract A Joseph Walters et al Part per Plat NN 31344 situated in Sec. 8 T16S R13E between Siracusa Rd. and RR Acq. 22Q 183253 Improvement & -3374321089.00-Lot por BD Ditch-Stansbury-Boeuf-Carr lying south of Siracusa Rd. Acq. 22Q 183253 Improvement.

Mr. Leonard Cantrell, surveyor, appeared before the board to state that National Oilweld is in the process of purchasing the property. During the title work, it was discovered that the property was part of two (2) different tax parcels. In order to clear the title, National Oilweld wanted to make sure this property was approved by the Planning Commission.

Mrs. Luke stated that National Oilweld leases a portion of the property. In reference to the map submitted, a portion of the existing building encroaches onto the neighboring lot. Mr. Cantrell is squaring off this property with the front property to make a lot in the front on Siracusa Road. The rear lot will be located on Progressive Lane and National Oilweld's front will remain on Siracusa Road. Mrs. Luke explained that the two (2) lots will be divided into three (3) lots. One lot in the front, the lot for National Oilweld and the remaining lot behind National Oilweld on Progressive Lane.

Mr. Druilhet questioned the intention of the property.

Mr. Cantrell explained that National Oilweld is an oilfield service company that will continue in the same business that they are currently in.

Mrs. Luke stated that in the conversations she has had with National Oilweld, they plan to continue to operate the business in the same manner that they are currently operating. Instead of continuing to lease the property, they will now own the property.

Mrs. Tabor made a motion to approve the request for Preliminary & Final Subdivision/Development Approval for a Subdivision of Property for Sam Siracusa to be acquired by National Oilweld in a Heavy Industrial (HI) Zoned District located at 1408 Siracusa Rd., Siracusa, LA. Sec. 8 T16S R13E. -3374321011.00-4.99 ac por Tract A Joseph Walters et al Part per Plat NN 31344 situated in Sec. 8 T16S R13E between Siracusa Rd. and RR Acq. 22Q 183253 Improvement & -3374321089.00-Lot por BD Ditch-Stansbury-Boeuf-Carr lying south of Siracusa Rd. Acq. 22Q 183253 Improvement. Mr. Druilhet seconded the motion which carried with the following 4-0-0-2 Roll Call Vote:

Yeas: Barry Druilhet, Deborah Tabor, Danny Lipari and Kimberly Cossey
Saucier

Nays: None

Abstained: None

Absent: James Bennett, Jr. and Jimmy Wiley

Mr. David Hanagriff, St. Mary Parish Councilman, appeared before the Planning & Zoning Commission to express concern in regards to rezoning of property by St. Mary Parish Council located along Hwy. 182 & Hwy. 3215 (Garden City Exit) (Adolphe B. LLC formally New 90 LLC) from High Density Residential (HR) Zoned District to Agricultural (AG) Zoned District.

Mr. Hanagriff stated that the rezone request was tabled at the Planning & Zoning's prior meeting and was intended to be heard at the next Planning & Zoning's meeting. Mr. Hanagriff stated that advertisements went out and certified letters were mailed to individuals, some who are present in the audience. For the administration, not the Parish Council, to nullify the process would be upsetting and if that is the case, what is the purpose for a Planning & Zoning Board.

In response to Mr. Hanagriff, Mr. Gil stated that the Planning & Zoning Board is an advisory board to the Parish Council.

Mr. Hanagriff stated that the Planning & Zoning Board is an advisory board. However, the Planning & Zoning Board should make their own decisions.

Mr. Druilhet stated that the Parish Council voted to rescind the request.

Mr. Druilhet questioned whether the Parish Council made a motion to withdraw the rezone request.

Mr. Hanagriff stated that there were two (2) different requests. One is for Preliminary Developmental Approval and one is for the Rezoning from High Density Residential Zoned District to Agricultural Zoned District.

Mr. Hanagriff stated that he has heard several councilmen and commissioners say that if the request was presented today to zone the property High Density Residential these members stated that they would not vote to zone the property this way.

Mr. Hanagriff stated that even though he feels that the project is too large or may not fit the area, the property is currently zoned to allow for an apartment complex. Mr. Hanagriff stated that the issue with Preliminary Approval is Preliminary Approval and that rezoning of property is entirely different. Mr. Hanagriff stated that the fact that administration, not the Parish Council, took it upon themselves to remove an item off the agenda, an item in which certified letters were mailed, is illegal and is not proper. Mr. Hanagriff stated that the commission could have addressed that issue if they wanted to. If the Parish Council had a vote to rescind that motion, to send it to the Planning & Zoning Commission for rezoning is different.

Mr. Druilhet stated that the Parish Council over ruled the Planning & Zoning Commission's decision.

Mr. Hanagriff stated that the Parish Council rescinded the original motion for Preliminary Approval, and then voted to allow Preliminary Approval. The request to the Planning & Zoning Board was to rezone the property, which are two (2) separate issues.

Mrs. Luke stated that there are two (2) separate issues. However, if the Planning & Zoning Board was to vote to rezone the property tonight, they would be contradicting what the Parish Council already approved, which is Preliminary Development Approval.

Mrs. Luke stated that administration's question to legal counsel concerning the approval of Preliminary Development was, what happens now to this item for rezoning of the property that is on the Planning & Zoning's agenda. Mrs. Luke stated that the administration wanted to make sure this process was done legally and properly.

Mr. Hanagriff stated that the Planning & Zoning Commission should have gone into legal counsel and make that decision among themselves. It would then go to the Parish Council. The administration seeking legal counsel and making that decision is different. The Planning & Zoning Commission should have gone into executive session, talk to legal counsel and ask if they do this would this be a conflict.

Mrs. Luke stated that legal counsel would have advised the administration of this process if legal counsel would have thought that is how they should have proceeded.

Mr. Hanagriff questioned whether it is legal for the administration to remove an item from the agenda.

Mrs. Luke stated that she cannot discuss the legality of it, which is why she called the attorneys and asked whether to leave the item on the agenda or remove the item. Based on the advice of two (2) attorneys, administration was advised to remove the item from the agenda and leave it on the public hearing agenda. Mrs. Luke suggested that Mr. Hanagriff speak with Mr. Henry Bo LaGrange and legal counsel. Mrs. Luke stated that the Planning & Zoning Board was doing what she advised them to do based on the advice received from legal counsel.

Mr. Hanagriff stated that he was not referring to Mrs. Luke that he was referring to Mr. Henry Bo LaGrange.

Mrs. Luke stated that she approached Mr. Henry Bo LaGrange and questioned what should we do. Mr. Henry Bo LaGrange suggested seeking legal counsel.

Mr. Hanagriff questioned the advice from legal counsel.

Mr. Hanagriff questioned whether legal advice was given from John Mouton and Eric Duplantis.

Mrs. Luke stated that legal advice was given from attorneys John Mouton and Eric Duplantis.

Mrs. Luke stated that legal counsel was sought because administration wanted to make sure that whatever action the Planning & Zoning Board would take would not contradict the action that was taken by the Parish Council.

Mrs. Luke stated that the rezone item was postponed by the Planning & Zoning Board and that if the Planning & Zoning Commission or the Parish Council feels that it needs to be placed back on the agenda it can be.

Mr. Hanagriff stated that he is not disputing anything that Mrs. Luke is stating. Mr. Hanagriff stated that he does not understand how administration can remove an item off the agenda that was placed on the agenda by the Planning & Zoning Commission at the prior meeting.

Mrs. Luke stated that administration did not make a decision to remove the rezone item from the agenda. Administration received legal advice as to how to handle this situation.

Mr. Gil stated that he feels that the board members do not have an issue with the decision to not take action on the rezone request.

Mrs. Saucier stated that she has an issue with not discussing the rezone request.

Mrs. Tabor stated that she had an issue at the previous meeting concerning executive session to be able to get advice from the attorney.

Mrs. Luke stated that legally you cannot decide to go into executive session at that meeting.

Mrs. Tabor questioned whether you could take a vote to go into executive session.

Mrs. Luke stated that you cannot take a vote to go into executive session and there is only little reason where executive session can take place.

Mr. Gil stated that the rezone request is not on the agenda and that there is no further discussion.

There being no further business, Mr. Lipari moved for adjournment. Mr. Druilhet seconded the motion, which carried.

s/g Paul Gil

Chairman Paul Gil

St. Mary Parish Planning and Zoning Commission